



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

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September 2, 2014

Mr. Allen Miller  
Capitol Lake Improvement and Protection Association  
120 State Avenue NE #1006  
Olympia, WA 98501

Dear Mr. Miller:

Director Bellon asked me to follow up on our August 6 meeting and respond to your August 14 letter. First, I would like to thank you for conveying the Capitol Lake Improvement and Protection Association (CLIPA) views about Capitol Lake and providing remarks about the Department of Ecology's role and agency communications. I also appreciate the opportunity to clarify some issues that your letter shows may have been misunderstood; attached is a list of those items.

However, the meeting confirmed our two organizations have shared interests. These include support for improved water quality for the Deschutes watershed, use of sound science in decision making and effective public engagement. Given our respective organizations missions and roles, it is not surprising the meeting also revealed dissimilar perspectives that allowed us to "agree to disagree."

You described CLIPA as a grass roots community group with a desire to provide an alternative platform for community input on future management of Capitol Lake. The breadth of your focus goes beyond water issues to include aesthetics, economics, costs and social values related to maintaining Capitol Lake. CLIPA is a valued member of our Deschutes TMDL Advisory Group and brings important questions and perspectives.

Ecology was created by state leaders in 1970 to serve as Washington's science-based environmental regulatory agency. Our responsibility is to collaboratively find solutions to protect and improve our lands, air, and waters for all people of Washington. Our water quality job in the Deschutes River, Capitol Lake and Budd Inlet Basin is to objectively:

- determine what is causing water pollution in the watershed,
- determine how much pollution needs to be reduced to meet federal and state laws,
- collect advice and feedback from all viewpoints on how to reduce pollution sources, and
- submit a plan to the EPA describing who needs to do what to achieve clean water.

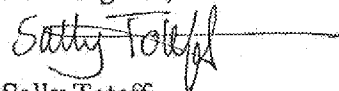
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The Department of Enterprise Services (DES) is the steward and decision maker for the daily management of Washington's Capitol Campus, including Capitol Lake. While Ecology works in partnership with DES, our agency does not have a decision making role in Capitol Lake management choices. When DES or others may need water quality or environmental expertise, Ecology is available as a resource. We will continue to report findings from our scientific investigations and regulatory analyses.

During our meeting, we discussed how best to communicate about technical and policy issues. We affirmed the Deschutes TMDL Advisory Group continues as the appropriate forum. Advisory group meetings have provided opportunities to evaluate and discuss scientific issues, share information, and explore solutions since their inception in 2009. Members of the advisory group, including CLIPA, bring a range of community interests and voices that are informing the water cleanup strategy being drafted by Ecology. These public meetings allow all voices to be heard and promote dialogue. I am optimistic that by continuing to work together we will identify reasonable solutions that over time will deliver improved water quality for the watershed.

Thank you again for taking the time to meet with us and share your views and suggestions on the future of Capitol Lake and Ecology's efforts to improve water quality in the Deschutes watershed.

Best Regards,



Sally Toteff  
Southwest and Olympic Regional Director

Attachment

cc: State Capitol Committee  
CLIPA Board  
Rob Duff, Senior Policy Advisor, Office of the Governor  
Chris Liu, Director, Department of Enterprise Services  
Maia D. Bellon, Director, Department of Ecology

## **Attachment: Clarifications to August 14, 2014 Letter from Allen Miller to Maia Bellon**

### **INTRODUCTION**

This attachment responds to Allen Miller's letter to Maia Bellon dated August 14, 2014. The letter offers Mr. Miller's summary of the August 6 meeting between the Capitol Lake Improvement and Protection Association (CLIPA) and the Department of Ecology (Ecology). In the letter, Mr. Miller requested that Ecology clarify issues that may have been misunderstood or need clarification.

### **CLARIFICATIONS**

#### **Deschutes Water Quality Technical Report Has Been Rigorously Peer Reviewed**

During the meeting and in the August 14 letter, CLIPA members called for rigorous peer review of Ecology's Deschutes water quality study.

*Clarification:* Two formal independent peer reviews of the Deschutes water quality study have been done. These peer reviews were solicited and completed by third-party national experts. The peer review processes and results were presented and discussed at Deschutes TMDL advisory group meetings. In 2011, the reviews were completed by Dr. Scott Wells (Portland State University) and Cadmus Group; in 2012, by Jim Fitzpatrick (HDR-HydroQual) and Cadmus Group. These peer reviews are posted on the project website at <http://www.ecy.wa.gov/programs/wq/tmdl/deschutes/technical.html>.

#### **Ecology has Responded to CLIPA's Criticisms of the Deschutes Water Quality Technical Report**

During the meeting and in the August 14 letter, CLIPA members suggested Ecology had not responded to recent concerns about the Deschutes water quality study raised in a white paper authored by Dr. Dave Milne.

*Clarification:* Before Dr. Milne issued his views about Ecology's water quality study, members of Ecology's Deschutes team met with him to discuss his concerns. Later, Ecology responded to his concerns in writing. For transparency, Dr. Milne's paper is posted on the Deschutes website. Also on the website is Ecology's response <http://www.ecy.wa.gov/programs/wq/tmdl/deschutes/EcologyResponse070314-DavidMilne0314.pdf>.

For several years, Ecology has discussed and responded to various water quality questions and concerns from CLIPA members during meetings, through telephone calls and via email. The Deschutes team will continue to respond to questions from CLIPA and others in the community.

#### **Additional Water Quality Discussions about Budd Inlet and Capitol Lake are Planned and Will Resume once the Freshwater Report is Complete**

During the meeting and in several portions of the August 14 letter, it was suggested that Ecology should facilitate further scientific discussions to consider Budd Inlet and Capitol Lake issues.

*Clarification:* Further science and technical discussions about Budd Inlet and Capitol Lake will be part of the upcoming work necessary to complete the Budd Inlet and Capitol Lake report. Additional discussions are built into this process which is expected to resume in 2015. Currently, Ecology and the advisory committee are working on issues related to the freshwater report. Once the freshwater report is done, the focus on Budd Inlet and Capitol Lake will recommence. This approach to sequence and encapsulate the work into two reports is further explained on the Deschutes website at <http://www.ecy.wa.gov/programs/wq/tmdl/deschutes/advisorycomm/DeschutesTMDLDecisionPaper-April2014.pdf>.

#### **Ecology is Not a Decision Maker on Capitol Lake Management**

During the meeting and in the August 14 letter it was suggested Ecology has made decisions about Capitol Lake management.

*Clarification:* Ecology is not a decision maker in the selection of long-term management of Capitol Lake. The State Capitol Committee, with support from the Department of Enterprise Services (DES), is responsible for this decision.

Ecology, as the state's water quality regulatory agency, has noted estuary restoration is preferable. Ecology was part of a steering committee convened by the former DES from 1997 to 2010. During the committee's studies of lake management options, members were tasked to provide a preferred management strategy. Ecology expressed – that from a water quality perspective – the agency desired a restored estuary. Attached is the letter which provides broader context of the statement.

#### **Ecology Provides Impartial and Thorough Review of Dredging Permit Applications**

During the meeting and in the August 14 letter it was suggested some Ecology staff may be biased against future dredging permit applications for Capitol Lake. However, no particular person was attributed to this statement.

*Clarification:* Ecology does not have a position for or against dredging projects. Dredging projects, similar to other major projects, must obtain appropriate permits and follow local, state and federal requirements. Permit decisions are based on information provided by an applicant, applicable rules, and whether the applicant's project can meet those rules.

#### **As Washington's Water Pollution Control Agency, Ecology Reports Scientific Findings to the Public**

During the meeting and in the August 14 letter, CLIPA members suggested Ecology staff are advocating a specific solution to water quality problems in Budd Inlet and Capitol Lake.

*Clarification:* Ecology has a regulatory role that involves developing a water cleanup plan with identified actions for the Deschutes watershed. It is necessary to share, and seek review of, scientific findings about water quality problems with the community, advisory groups, and stakeholders; this provides transparency and the ability to collaboratively find effective solutions. As the water cleanup plan is developed, there are opportunities for additional public input and comment; new data is welcome. Reporting and discussing conclusions from the Deschutes water quality study is a part of the regulatory process, and not a statement of advocacy.

**Ecology Supports Projects in the Deschutes and Budd Inlet Watershed that Improve Water Quality**

The August 14 letter suggests Ecology should delay support of projects (such as those sponsored by Alliance for a Healthy South Sound and Puget Sound Partnership) in lower Budd Inlet until the Marine / Capitol Lake report is done.

*Clarification:* As Washington's environmental quality agency, Ecology provides technical, financial and regulatory assistance for various projects throughout all watersheds including the Deschutes and Budd Inlet Basin. In the Deschutes, projects include efforts to improve stormwater and wastewater; clean up contaminated marine sediments; protect wetlands; prepare habitat restoration strategies; enhance spill prevention and response; update local shoreline management regulations; and reduce toxic threats. Some of these contribute to improved water quality and support actions being considered by the advisory group and Ecology. When projects in the Deschutes watershed are proposed, Ecology will continue to review and respond on a case by case basis.

**Deschutes Water Quality Technical Report Includes Analysis of Both Options (Maintaining a Lake as well as Restoring the Estuary)**

In the meeting and the August 14 letter it was suggested Ecology should remain objective and present both views and implications for long range management of Capitol Lake in order for the State Capitol Committee to have balanced information.

*Clarification:* Ecology's water quality technical report includes water quality implications for two long term management options: leaving and maintaining a dam, and for restoring the estuary. Both future conditions were studied and modeled as requested by DES's predecessor. Ecology's report has been presented to DES, the Deschutes TMDL Advisory Committee and to other councils and organizations. DES, as manager of the Capitol Campus and Capitol Lake, will evaluate and present pertinent information to the State Capitol Committee.

*Thank you for the opportunity to clarify some of the issues from the August 14, 2014 letter that may have been misunderstood.*